

IN REGULAR SESSION
TUESDAY, FEBRUARY 14, 1995

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING February 14, 1995.
IN Regular SESSION. PRESIDENT Donald J. Schmidt
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS VIZ:

BRADBURY P , EDMONDS A , GIAQUINTA P ,
HENRY P , LONG P , LUNSEY P ,
RAVINE P , SCHMIDT P , TALARICO P ,

ABSENT: _____

COUNCILMEMBER: _____

THE MINUTES OF THE LAST REGULAR 24th, 1995,

SPECIAL February 7, 1995.

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.



The City of Fort Wayne

Paul Helmke, Mayor

January 30, 1995

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated street right-of-way.

The proposed ordinance is designated as:

Bill No. G-94-11-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of January 1995.

Carol Kettler Sharp
Secretary

/pb

CC: File

Division of Community
Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street Vacation Ordinance

DETAILS

Specific Location and/or Address Commerical Road from its western terminus to a point 450' east, & Interurban Dr from its intersection with Commercial Rd to its northern terminus.

Reason for Project

Expansion of parking facility.

Discussion (Including relationship to other Council actions)

21 November 1994 - Public Hearing

Steve Miller, Controller for Hydra-Tech, 3020 Commercial Rd. appeared before the Commission. Mr. Miller stated that they want to use the property petitioned for vacation for additional parking. He stated that they have no problem granting easements to the utility companies.

Dave Ross questioned if this portion of road-way was currently being used for vehicular traffic.

Mr. Miller stated that this right-of-way is currently unimproved.

Mel Smith questioned if they were willing to comply with all of the conditions as set forth in the staff recommendation.

Mr. Miller stated that the only condition that they would not like to comply with was the recommendation that they install a cul-de-sac at the end of the road. He stated that currently there is more than ample room for a vehicle to turn around.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Hydra-Tech, Inc City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

Dave Ross questioned if there is no cul-de-sac provided, was there a possibility that the roadway could be vacated all the way to Magnetic Drive.

Mr. Miller stated that he thought that Magnetic Drive was already vacated.

Wayne O'Brien, Staff Planner, with C&ED, stated that Magnetic Drive did not show as vacated on the city's quarter sections.

Mr. Miller stated that he would agree that it could be vacated all the way to Magnetic Drive.

There was no one else who spoke in favor of or in opposition to the proposed vacation.

28 November 1994 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner satisfying the following:

- 1) provide utility easements or relocations as needed;
- 2) provide an approved turn around or cul-de-sac as per the recommendation of Traffic Engineering and Street Engineering.

Of the nine (9) members present, eight (8) voted in favor of the motion, the Chair did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 20 October 1994

Projected Completion or Occupancy Date 30 January 1995

Fact Sheet Prepared by Patricia Biancaniello Date 30 January 1995

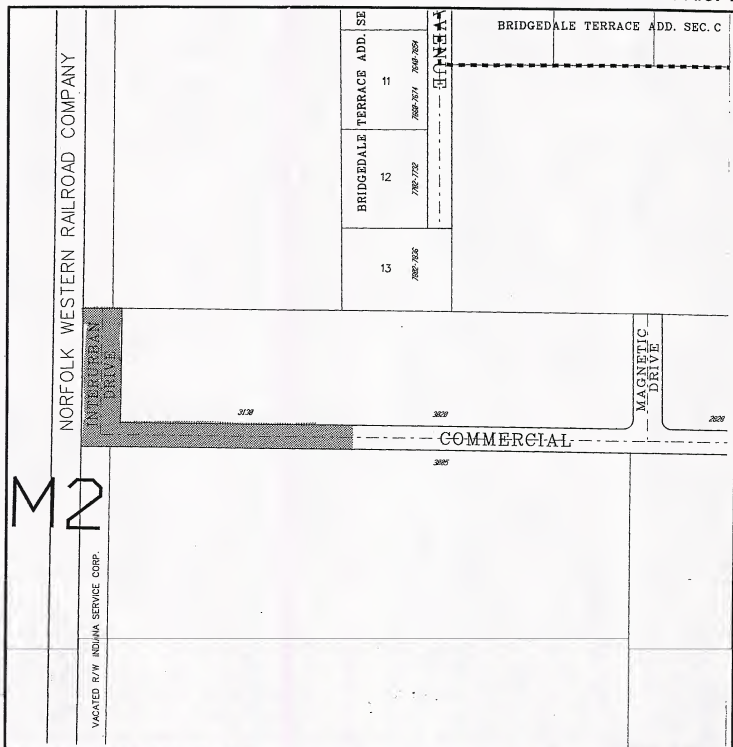
Reviewed by  Date 1 February 1995

Reference or Case Number

VACATION PETITION

AREA MAP

CASE NO. #574



COUNCILMANIC DISTRICT NO. 4

Map No. I-35
LW 10-22-94

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

Steve Miller petitioner for Hydra-Tech, Inc., requests the vacation of public right-of-ways.

Location: Commercial Road from its western terminus to a point 450 feet east, and Interurban Drive from its intersection with Commercial Road to its northern terminus.

Legal: See file

Land Area: Approximately 0.88 acres

Zoning: The area is zoned M-2.

Surroundings:

North	M-2	Industrial & Open
South	M-2	Industrial & Open
East	M-2	Industrial & Open
West	M-2	Industrial & Open

Reason for Request: Expansion of parking facility.

Neighborhood Assoc.: None

Comprehensive Plan: No comment.

Neighborhood Plan: No comment.

Planning Staff Discussion:

The petitioners state that they would like to use the ground for additional parking, and that they would have no objection to utility easements if needed.

Commercial Road is located west off of Bluffton Road approximately 1800 feet north of the Baer Field Thruway. Hydra-Tech and Foamex are the last two properties served by this portion of Commercial Road.

Interurban Drive is a dedicated right-of-way located at the western end of the Commercial Road right-of-way, extending north for approximately 200 feet. Both Interurban Drive and the petitioned portion of Commercial Road are "paper streets", meaning that they only exist as dedicated rights-of-way, they have not been improved, nor opened to the public.

It does not appear that this right-of-way is needed for future growth in the area. However, we are concerned with creating a dead-end street, as such creation may cause future traffic and emergency vehicle problems. Traffic Engineering and Street Engineering have indicated that they will not object to the vacation if the property owners agree to cul-de-sac Commercial Road. Additionally, Water Engineering has advised us that they may need an easement.

Planning staff would suggest approval of the request providing that the petitioners comply

with the engineering department requirements for a dedicated turn-around and for utility easements. The cul-de-sac or turn-around design should be submitted to Street Engineering and Traffic Engineering for approval and dedication. The petitioner will be held for up to six months in order to allow the petitioners to satisfy these requirements.

Recommendation: Conditional approval, contingent upon the petitioner satisfying the following:

- 1) provide for utility easements or relocations as needed;
- 2) provide an approved turn around or cul-de-sac as per the recommendation of Traffic Engineering and Street Engineering; and for the following reasons:
 - a) The right-of-way does not appear to be needed for access to other public or private places.
 - b) Vacation should not negatively impact property values in the area.
 - c) Approval will allow growth of area businesses.

WHEREAS, HYDRA TECH, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated street situated in Fort Wayne, Allen County, to-wit:

Commercial Road from Western terminus to a point 450' East. Interurban Drive from its intersection with Commercial Road to the Northern terminus (199.73').

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, LINDA BUSKIRK, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held 1/25/95 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 25 DAY OF JANUARY 1995
FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk
Linda Buskirk
Chairman, Board of Public Works

C. James Owen
C. James Owen
Member, Board of Public Works

Terrance B. McCaffrey
Terrance B. McCaffrey
Member, Board of Public Works

RESOLUTION

WHEREAS, HYDRA TECH, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated street situated in Fort Wayne, Allen County, to-wit:

Commercial Road from Western terminus to a point 450' East. Interurban Drive from its intersection with Commercial Road to the Northern terminus (199.73').

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on Novembr 21, 1994 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated street.

WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated street in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, November 28, 1994 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 23rd DAY OF January, 1994

FORT WAYNE CITY PLAN COMMISSION

Carol Kettler Sharp
Secretary



MEMORANDUM

TO: City Council Members

FROM: Gary Stair, *JS* Director of Planning, Community and Economic Development

DATE: January 30, 1995

SUBJECT: Recommendation from Plan Commission

The right-of-way vacation has been reviewed by the Fort Wayne Plan Commission and forwarded to you for final action. The Plan Commission's recommendation on this case, made after public hearing and review, has been certified by the Commission's Secretary and is summarized on the attached "Fact Sheet".

Occasionally, there will be a significant delay between the time the petition is filed and when the Plan Commission certifies its recommendation and forwards the case to you. This delay occurs when a petition receives "Conditional Approval" -- approval subject to the petitioner fulfilling certain obligations. In such cases the Plan Commission's staff holds the petition until all conditions have been met by the petitioner. Once all conditions have been satisfied, the case is forwarded to you.

As always, if you have any questions concerning the attached cases, please do not hesitate to call me or Pat Fahey of the Land Use Management staff at 427-1140.

/pb

1. Vacation Petition - Bill No. G-94-11-07

Amendment: Street Vacation Ordinance

Location: Commercial Road from its western terminus to a point 450' east, and Interurban Drive from its intersection with Commercial Road to its northern terminus.

Applicant: Hydra-Tech, Inc

Proponents: Steve Miller, Controller for Hydra-Tech, Inc

Opponents: None

Summary of Discussion: This petition would allow for the expansion of the parking area for Hydra-Tech.

Staff Recommendation: Do Pass

Plan Commission Recommendation: Do Pass

Recommendation Given: November 28, 1994

Committee Session Date: The Committee Session date will depend upon the publication of the legal notice by Council staff.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 14th day of February, 1995, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19____.

Sandra E. Kennedy
City Clerk